

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SKYLINE SOFTWARE SYSTEMS, INC.,)

Plaintiff,)

v.)

KEYHOLE, INC. and GOOGLE INC.,)

Defendants.)

CIVIL ACTION NO. 06-CV-10980 DPW

**PLAINTIFF'S ASSENTED-TO MOTION FOR LEAVE TO EXCEED PAGE
LIMITATION REGARDING ITS MEMORANDUM IN
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT ON VALIDITY**

Plaintiff Skyline Software Systems, Inc. ("Skyline") hereby submits this Assented to Motion for Leave to Exceed the Page Limitation Imposed By Local Rule 7.1(B)(4) regarding its simultaneously-filed Memorandum in Support of its Motion for Summary Judgment of Validity of the Patent-In-Suit. Pursuant to Local Rule 7.1(B)(4), "memoranda supporting or opposing allowances of motions shall not, without leave of court, exceed twenty pages, double-spaced."

As grounds for this Motion, Skyline states as follows:

1. This patent infringement action involves U.S. Patent No. 6, 496,189 ("the '189 Patent"), which relates to Skyline's invention concerning the streaming and visualization of three-dimensional terrain data.

2. Defendants Keyhole, Inc. and Google Inc. (together, "Google") have produced rely on over ten prior art references in arguing the purported invalidity of Skyline's pioneering invention claimed in the patent-in-suit. This material, like the patent-in-suit, concerns the technologically complex field of software that generates and allows a user to view two- and

three-dimensional data. Google makes various fact-specific arguments concerning each piece of allegedly invalidity prior art, each of which Skyline must answer fully.

3. As a result of the extensive factual background, experts' analyses, numerous depositions concerning technologically complex matters, and the attendant legal arguments that Skyline must set forth, Skyline's Memorandum In Support of Summary Judgment On Validity is approximately nineteen pages over the twenty-page limit imposed by Local Rule 7.1(B)(4).

4. On January 16, 2007, Counsel for Skyline, Geri L. Haight, conferred with Counsel for Google, Sandra Riley, with respect to the instant Motion in accordance with Local Rule 7.1(A)(2). Google assents to Skyline's request for leave to file a memorandum in support of its Motion for Summary Judgment on Validity in excess of twenty pages.

5. Skyline respectfully requests that the Court grant it leave to file its Memorandum In Support of Its Motion for Summary Judgment on Validity of the Patent-In-Suit, which exceeds the page limitation imposed by Local Rule 7.1(B)(4).

Respectfully submitted,

SKYLINE SOFTWARE SYSTEMS, INC.,

By its attorneys,

/s/ H. Joseph Hameline

H. Joseph Hameline, BBO #218710

Geri L. Haight, BBO #638185

Mintz, Levin, Cohn, Ferris,

Glovsky and Popeo, P.C.

One Financial Center

Boston, MA 02111

(617) 542-6000

January 19, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants, as identified on the Notice of Electronic File (“NEF”), and paper copies will be sent to those indicated as non-registered participants on January 19, 2007.

/s/ H. Joseph Hameline

H. Joseph Hameline

LIT 1601271v.1